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Attorneys for Defendant NORTH AMERICAN CAPACITY
INSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

WILLIAM A. THAYER
CONSTRUCTION, INC.

Plaintiff,

v.

NORTH AMERICAN CAPACITY
INSURANCE COMPANY, and DOES 1-
10.

Defendants.

Case No. CV10-01019 LHK ADR

**STIPULATED DISMISSAL AND
DISMISSAL WITH PREJUDICE OF
NORTH AMERICAN CAPACITY
INSURANCE COMPANY FROM
PLAINTIFF'S COMPLAINT AND
PLAINTIFF'S COMPLAINT IN ITS
ENTIRETY AND [Proposed] ORDER
THEREON**

Judge: Hon. Lucy H. Koh

Courtroom: 4

Complaint Filed: 2/10/2010

Trial Date: 7/11/2011

IT IS HEREBY STIPULATED by and between Plaintiff WILLIAM A. THAYER
CONSTRUCTION, INC. ("Thayer") and Defendant NORTH AMERICAN CAPACITY

1 INSURANCE COMPANY ("NAC") through their respective attorneys of record that, pursuant to
2 Federal Rules of Civil Procedure Rule 41(a)(1) and (2), Thayer's Complaint against NAC shall be
3 dismissed with prejudice in its entirety. With respect to any other party, other than NAC or its
4 parent company or any subsidiary, it is stipulated that the action shall be dismissed without
5 prejudice, and that this Court enter an Order of Dismissal with Prejudice of NAC from Thayer's
6 Complaint, Case No. CV10-1019 LHK ADR.
7

8 The Court shall retain jurisdiction regarding all disputes between the parties arising out of
9 the settlement agreement including, but not limited to, interpretation and enforcement of the terms
10 of the settlement agreement.
11

12 Dated: 3-16, 2011

GRIMM VRANJES
McCORMICK & GRAHAM LLP

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15 BY: 

MARK VRANJES
MICHAEL B. MARTIN
TODD E. JAWORSKY
Attorneys for Defendant NORTH
AMERICAN CAPACITY INSURANCE
COMPANY

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20 Dated: 3-14, 2011

LAW OFFICES OF JACK KENEALY

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22 BY: 

JACK KENEALY
Attorney for Plaintiff WILLIAM A.
THAYER CONSTRUCTION, INC.

ORDER ON NOTICE OF DISMISSAL WITH PREJUDICE OF ALL
DEFENDANTS AND PLAINTIFF'S COMPLAINT IN ITS ENTIRETY

IT IS HEREBY ORDERED that Defendant NORTH AMERICAN CAPACITY INSURANCE COMPANY is dismissed with prejudice from Plaintiff WILLIAM A. THAYER CONSTRUCTION, INC.'s ("Thayer") Complaint, Case No. CV10-01019 LHK ADR. Additionally, Thayer's Complaint is dismissed in its entirety.

The Court shall retain jurisdiction regarding all disputes between the parties arising out of the settlement agreement including, but not limited to, interpretation and enforcement of the terms of the settlement agreement.

Dated: March 21, 2011


United States District Judge

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